

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CAMERON POLK, et al**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO.3:18cv382-DPJ-FKB**

**MAJOR CLAY BANE, et al**

**DEFENDANTS**

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**UNOPPOSED MOTION TO WITHDRAW**

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**COMES NOW** undersigned Counsel for James Smith and makes this Unopposed Motion to Withdraw as Counsel for James Smith and would show unto the Court the following, to wit:

1. Undersigned Counsel has tried to contact Plaintiff James Smith several times with no response. Other Plaintiffs have contacted Plaintiff James Smith several times, but Plaintiff James Smith has failed to contact or communicate with undersigned counsel.
2. Due to the apparent irresolvable conflict, undersigned counsel is unable to zealously represent Plaintiff James Smith against the Defendants.
3. Undersigned Counsel will remain counsel for all other Plaintiffs.

WHEREFORE, PREMISES CONSIDERED, for the reasons set out herein, undersigned counsel seeks leave of the Court to withdraw as counsel for James Smith and asks that an order be entered noting their withdrawal as counsel for James Smith and removing him from the Court's matrix in this action and allowing James Smith 30 days to retain new counsel.

Respectfully submitted this the 20<sup>th</sup> day of December, 2019.

**JAMES SMITH**  
**Plaintiff**

/s/ Daniel Waide  
DANIEL M. WAIDE  
MS BAR NO. 103543

Daniel M Waide, MS Bar #103543  
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**CERTIFICATE OF SERVICE**

I, Daniel M. Waide, do hereby certify that I electronically filed the foregoing with the Clerk of court using the CM/ECF system, which will send notification of such filing to all counsel of record. I have delivered by other means a copy to:

James Smith (last known address)  
P. O. Box 829  
Richton, MS 39476

THIS the 20<sup>th</sup> day of December, 2019.

/s/Daniel M. Waide  
DANIEL M WAIDE

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